

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIREILLE ELIACIN, on behalf of herself,	:	
individually, and on behalf of all others	:	<u>CIVIL CASE MANAGEMENT PLAN</u>
similarly situated,	:	
	:	CV-21-440 (BMC)
Plaintiff,	:	
	:	
- against -	:	
	:	
UNIVERSAL PROTECTION SERVICE, LLC	:	
Defendant.	:	
	:	

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COGAN, District Judge

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to **Federal Rules of Civil Procedure 16** and 26(f).

- A. The case is to be tried to a jury. [Circle as appropriate].
- B. Non-Expert Discovery:
1. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York. All non-expert pre-class/collective certification discovery is to be completed by 7/16/21 (see attachment A), which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can meet the discovery completion date. The parties shall list the contemplated discovery activities and anticipated completion dates in Attachment A, annexed hereto.

2. Joinder of additional parties must be accomplished by May 3, 2021.
 3. Amended pleadings may be filed without leave of the Court until May 3, 2021.
- C.** For all causes of action seeking monetary damages, each party shall identify and quantify in Attachment B, annexed hereto, each component of damages alleged; or, if not known, specify and indicate by what date Attachment B shall be filed providing such information.
- D.** Motions:
1. No later than the date provided below, the parties may file dispositive motions. The parties shall agree to a schedule and promptly submit same for the Court's approval, providing for no more than three rounds of serving and filing papers: supporting affidavits and briefs, opposing affidavits and briefs, and reply affidavits and briefs.
 2. The last day for filing a letter, pursuant to Rule III.A.2 of the Court's Individual Practices, requesting a premotion conference in order to file dispositive motions shall be seven days from the denial of conditional class/collective certification or seven days after the close of the post-conditional certification period. (Counsel shall insert a date one week after the completion date for non-expert discovery.)
 - a. There shall be no cross-motions. Any motions not made by the agreed date shall, unless the Court orders otherwise, not be considered until after the timely-filed motion is determined.
 - b. Papers served and filed by the parties shall conform to the requirements set out in the Court's Individual Practices.
- E.** Any request for relief from a date provided in this Case Management Plan shall conform to the Court's Individual Practices and include an order, showing consents and disagreements of all counsel, setting out all dates that are likely to be affected by the granting of the relief requested, and proposed modified dates. Unless and until the Court approves the proposed order, the dates provided in this Plan shall be binding.
- F.** Pre-Trial Motions:

Applications for adjournments and for discovery or procedural rulings will reflect or contain the positions of all parties, as provided by the Court's Individual Rules, and are not to modify or delay the conduct of discovery or the schedules provided in this Case Management Plan except upon leave of the Court.

SO ORDERED.

Dated: Brooklyn, New York
April 8, 2021

Digitally signed by
Brian M. Cogan

U.S.D.J.

ATTACHMENT A

The Parties are to list the discovery activities (i.e., production of documents, number of depositions, requests to admit, interrogatories) and anticipated completion dates:

DISCOVERY ACTIVITIES	COMPLETION DATE
1. Exchange of Fed. R. Civ. P. 26 initial disclosures	April 22, 2021
2. Interrogatories and document requests concerning named plaintiff(s).	June 21, 2021
3. Deposition of named plaintiff(s).	June 21, 2021
4. Deposition of Defendant	June 21, 2021
5.	
6.	
7.	
8.	
9.	
10.	

ATTACHMENT B

For all causes of action seeking monetary damages, each party shall identify and quantify each component of damages alleged:

1. PLAINTIFF'S CLAIMS:

See the Excel Sheets attached hereto: "Mireille Eliacin Damages (For Settlement Purposes Only)" and "Destini Hines Damages (For Settlement Purposes Only)." Additional damages of the collective and/or class members are yet to be determined.

2. COUNTERCLAIMS AND CROSS-CLAIMS:

3. THIRD-PARTY CLAIMS:

Mireille Eliacin (For Settlement Purposes Only)									
Start Date	End Date	Number of Weeks	Hours Worked	Regular Rate	HOURLY OT RATE	Unpaid Overtime Per Week	Total Unpaid OT	Total FLSA/NYLL Damages	100% Liquidated Damages
1/1/2018	12/30/2018	51.86	56.0	\$ 13.57	\$20.36	\$274.79	\$7,124.98	\$7,124.98	\$7,124.98
12/31/2018	4/30/2019	17.14	56.0	\$ 13.57	\$20.36	\$274.79	\$2,355.36	\$2,355.36	\$2,355.36
5/1/2019	8/15/2019	15.14	56.0	\$ 15.71	\$23.57	\$318.13	\$2,408.68	\$2,408.68	\$2,408.68

SUMMARY OF DAMAGES		
Actual		\$7,124.98
FLSA/NYLL Liquidated		\$7,124.98
Statutory damages (wage statement penalties)		\$10,000.00
TOTAL (Actuals + liq.)		\$24,249.95
Pre judgment Interest Daily Rate at 9%		\$1.76
Date of Calculation		4/2/2021
Median date		10/24/2018
Pre-judgment Interest to date		\$1,565.35
Total:		\$25,815.30

Destini Hines (For Settlement Purposes Only)									
Start Date	End Date	Number of Weeks	Hours Worked	Regular Rate	HOURLY OT RATE	Unpaid Overtime Per Week	Total Unpaid OT	Total FLSA/NYLL Damages	100% Liquidated Damages
11/1/2018	12/30/2018	8.43	48.0	\$ 15.50	\$23.25	\$186.00	\$783.86	\$783.86	\$783.86
12/31/2018	11/1/2019	43.57	48.0	\$ 15.50	\$23.25	\$186.00	\$4,052.14	\$4,052.14	\$4,052.14

SUMMARY OF DAMAGES	
Actual	\$4,836.00
FLSA/NYLL Liquidated	\$4,836.00
Statutory damages (wage notice & statement penalties)	\$10,000.00
TOTAL (Actuals + liq.)	\$19,672.00
Pre judgment Interest Daily Rate at 9%	\$1.19
Date of Calculation	4/2/2021
Median date	5/3/2019
Pre-judgment Interest to date	\$834.71
Total:	\$20,506.71